

(3) Changes to crewmembers' position or duties on the vessel (entry (5)(v) to Table 160.206).

(c) When reporting changes, submit only the name of the vessel, original NOA submission date, the port of arrival, the specific items to be corrected, and the new location or position of the vessel at the time of reporting. Only changes to NOA information need to be submitted.

#### § 160.210 Methods for submitting an NOA.

(a) *Submission to the National Vessel Movement Center (NVMC).* Except as provided in paragraphs (b) and (c) of this section, vessels must submit NOA information required by § 160.206 (entries 1 through 9 in Table 160.206) to the NVMC, United States Coast Guard, 408 Coast Guard Drive, Kearneysville, WV 25430, by:

(1) Electronic submission via the electronic Notice of Arrival and Departure (eNOAD) and consisting of the following three formats:

(i) A Web site that can be used to submit NOA information directly to the NVMC, accessible from the NVMC web site at <http://www.nvmc.uscg.gov>;

(ii) Electronic submission of Extensible Markup Language (XML) formatted documents via web service;

(iii) Electronic submission via Microsoft InfoPath; contact the NVMC at [sans@nvmc.uscg.gov](mailto:sans@nvmc.uscg.gov) or by telephone at 1-800-708-9823 or 304-264-2502 for more information;

(2) E-mail at [sans@nvmc.uscg.gov](mailto:sans@nvmc.uscg.gov). Workbook available at <http://www.nvmc.uscg.gov>;

(3) Fax at 1-800-547-8724 or 304-264-2684. Workbook available at <http://www.nvmc.uscg.gov>; or,

(4) Telephone at 1-800-708-9823 or 304-264-2502.

(b) *Saint Lawrence Seaway transits.* Those vessels transiting the Saint Lawrence Seaway inbound, bound for a port or place in the United States, may meet the submission requirements of paragraph (a) of this section by submitting the required information to the Saint Lawrence Seaway Development Corporation and the Saint Lawrence Seaway Management Corporation of Canada by fax at 315-764-3235 or at 315-764-3200. The Cargo Declaration (Cus-

toms Form 1302) in entry (8) in Table 160.206 must be submitted electronically to the USCS, as required by paragraph (d) of this section.

(c) *Seventh Coast Guard District.* Those foreign vessels 300 or less gross tons operating in the Seventh Coast Guard District must submit an NOA to the cognizant Captain of the Port (COTP). The Cargo Declaration (Customs Form 1302) in entry (8) in Table 160.206 must be submitted electronically to the USCS, as required by paragraph (d) of this section.

(d) *Submission to the United States Customs Service's Sea Automated Manifest System (AMS).* (1) Beginning July 1, 2003, the Cargo Declaration (Customs Form 1302) in entry (8) in Table 160.206 must be submitted electronically to the USCS Sea AMS by one of the following methods:

(i) By direct connection with USCS or by purchasing the proper software; or

(ii) Using a service provider or a Port Authority.

(2) To become a participant in Sea AMS, submitters must provide a letter of intent to USCS prior to first submission.

[USCG-2002-11865, 68 FR 9543, Feb. 28, 2003; 68 FR 63735, Nov. 10, 2003, as amended by USCG-2004-19963, 70 FR 74669, Dec. 16, 2005]

EFFECTIVE DATE NOTE: By USCG-2002-11865, 68 FR 27908, May 22, 2003, in § 160.210, the last sentence of paragraph (b), the last sentence of paragraph (c), and paragraph (d) were suspended, effective May 22, 2003.

#### § 160.212 When to submit an NOA.

(a) *Submission of NOA.* (1) Except as set out in paragraph (a)(2) of this section, all vessels must submit NOAs within the times required in paragraph (a)(3) of this section.

(2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the continental United States, must submit an NOA before departure but at least 12 hours before entering the port or place of destination.

(3) Times for submitting NOAs areas follows:

| If your voyage time is—   | You must submit an NOA—  |
|---------------------------|--|
| (i) 96 hours or more; or, | At least 96 hours before entering the port or place of destination; or |

## § 160.214

| If your voyage time is—  | You must submit an NOA—  |
|--------------------------|--|
| (ii) Less than 96 hours. | Before departure but at least 24 hours before entering the port or place of destination. |

(b) *Submission of changes to NOA.* (1) Except as set out in paragraph (b)(2) of this section, vessels must submit changes in NOA information within the times required in paragraph (b)(3) of this section.

(2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the continental United States, must submit changes to an NOA as soon as practicable but at least 6 hours before entering the port or place of destination.

(3) Times for submitting changes to NOAs are as follows:

| If your remaining voyage time is—                      | Then you must submit changes to an NOA—   |
|--|---|
| (i) 96 hours or more;                                  | As soon as practicable but at least 24 hours before entering the port or place of destination;    |
| (ii) Less than 96 hours but not less than 24 hours; or | As soon as practicable but at least 24 hours before entering the port or place of destination; or |
| (iii) Less than 24 hours.                              | As soon as practicable but at least 12 hours before entering the port or place of destination.    |

(c) *Submission of the Cargo Declaration (Customs Form 1302).* (1) Except as set out in paragraph (c)(2) of this section, all vessels must submit to USCS the Cargo Declaration (Customs Form 1302) in entry (8) to Table 160.206, within the times required in paragraph (a)(3) of this section.

(2)(i) Except for vessels carrying containerized cargo or break bulk cargo, vessels carrying bulk cargo may submit the Cargo Declaration (Customs Form 1302), (Entry (8) to Table 160.206) before departure but at least 24 hours before entering the U.S. port or place of destination.

(ii) Vessels carrying break bulk cargo operating under a USCS exemption granted under 19 CFR 4.7(b)(4)(ii) may, during the effective period of the USCS exemption, submit the Cargo Declaration (Customs Form 1302), (Entry (8) to Table 160.206) before departure but at

## 33 CFR Ch. I (7–1–12 Edition)

least 24 hours before entering the U.S. port or place of destination.

[USCG–2002–11865, 68 FR 9543, Feb. 28, 2003; 68 FR 63735, Nov. 10, 2003]

EFFECTIVE DATE NOTE: By USCG–2002–11865, 68 FR 27908, May 22, 2003, in §160.212, paragraph (c) was suspended, effective May 22, 2003.

### § 160.214 Waivers.

The Captain of the Port may waive, within that Captain of the Port's designated zone, any of the requirements of this subpart for any vessel or class of vessels upon finding that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of safety, environmental protection, or national security.

### § 160.215 Notice of hazardous conditions.

Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge shall immediately notify the nearest Coast Guard Sector Office or Group Office. (Compliance with this section does not relieve responsibility for the written report required by 46 CFR 4.05–10.)

[USCG–2002–11865, 68 FR 9543, Feb. 28, 2003, as amended by USCG–2006–25556, 72 FR 36328, July 2, 2007]

### Subpart D—Crewmember Identification

SOURCE: USCG–2007–28648, 74 FR 19140, Apr. 28, 2009, unless otherwise noted.

### § 160.300 Applicability.

(a) This subpart applies to crewmembers on the following vessels in the navigable waters of the United States en route to a U.S. port or place of destination or at a U.S. port or place:

(1) A foreign vessel engaged in commercial service, and

(2) A U.S. vessel engaged in commercial service and coming from a foreign port or place of departure.